

RESOLUTION NO. 2004-____

RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION
RESPECTING PROPOSED ANNEXATION

Community Facilities District No. 2002-2
(Central Valley FPD - Fire Protection Services)

WHEREAS, reference is made to the Resolution of Intention to Annex Property to Community Facilities District (the “Resolution of Intention”), adopted by this Board of Supervisors (this “Board”) adopted on this same date, for the description of the petition received from CSHV Calabash, LLC (the “Owner”), as the sole owner of certain real property (the “Subject Property”) which the Owner is requesting be annexed to the existing Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services) (“CFD No. 2002-2”); and

WHEREAS, this Board scheduled this same date as the date for the public hearing with respect to the proposed annexation of the Subject Property (the “Proposed Annexation”); and

WHEREAS, on this same date, at the time set for the public hearing by the Resolution of Intention, this Board conducted the public hearing, and at the close of the public hearing this Board determined that a majority protest under Section 53324 of the Government Code was not made at the hearing; and

WHEREAS, in order to proceed with the Proposed Annexation, as provided by the Resolution of Intention, the matter must be submitted to an election of the qualified electors in the territory of the Subject Property, as provided in the form of special election ballot attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, a Certificate Re Registered Voters and Landowners (the “Certificate”) has been filed with the Clerk of this Board (the “Clerk”), certifying that at no time during the ninety days preceding the close of the protest hearing on this date, were there ever any persons registered to vote within the territory of the Subject Property, with the result that, pursuant to Section 53326 of the Government Code, the qualified electors for the proposed special election shall be the Owner;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.
2. This Board accepts the Certificate heretofore filed in these proceedings and finds, in accordance therewith, that there presently are, and at all times during the ninety days just past there have been no registered voters residing within the boundaries of the Subject Property. Accordingly, under Section 53326 of the Government Code, the qualified electors for the proposed special election shall be the Owner.
3. This Board further finds and determines that the Owner is the sole landowner of record of the Subject Property and that the Certificate correctly sets forth the amount of property owned by the Owner, the number of votes to which the Owner is entitled pursuant to said Section 53326 being said number of acres rounded up to the nearest whole integer.
4. This Board further finds and determines that an authorized representative of the Owner has filed with the Clerk (a) the special election ballot pertaining to the Subject

Property and (b) a waiver and consent, by which the time limits and related requirements respecting preparation and distribution of election materials are waived.

5. Pursuant to Sections 53326 and 53351 of the Government Code, this Board hereby calls an election, to be held and conducted forthwith upon adoption of this resolution, and sets this same date as the election date. Pursuant to Section 53326 of the Government Code, the election shall be conducted by mailed ballot; provided that personal service of the ballot is permitted under the terms of the waiver and consent on file with the Clerk and shall therefore be permitted and ratified. The action of the Clerk in having made personal service of the ballot, in the form of Exhibit A, to the Owner is hereby ratified.

6. The measure to be submitted to the qualified electors of the Subject Property shall be as set forth in Exhibit A.

7. The Clerk, having received the only eligible ballot prior to adoption of this resolution, shall immediately close the election and declare the results to this Board.

8. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, at a regular meeting of said Board held on the ____ day of _____, 2004, by the following vote of said Board:

AYES: Board Members _____

NOES: Board Members _____

ABSENT: Board Members _____

ABSTAINING: Board Members _____

Chair of the Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors

By: _____

EXHIBIT A

(Form of Special Election Ballot)

COUNTY OF SAN BERNARDINO
COMMUNITY FACILITIES DISTRICT NO. 2002-2
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)

SPECIAL ELECTION BALLOT

(Mailed-Ballot Election)

This ballot is for the use of the authorized representative of the following owner of land within the County of San Bernardino Community Facilities District No. 2002-2 ("CFD No. 2002-2"):

<u>Name of Landowner</u>	<u>Number of Acres Owned</u>	<u>Total Votes</u>
CSHV Calabash, LLC	26.57	27

According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the Board of Supervisors (the "Board") of the County of San Bernardino (the "County"), the above-named landowner is entitled to cast the number of votes shown above under the heading "Total Votes," representing the total votes for the property owned by said landowner.

In order to be counted, this ballot must be executed and certified below and be returned to the Clerk of the Board, either by mail or in person, prior to 10:00 A. M. on _____, 2004, or as soon thereafter as the matter of the special election for CFD No. 2002-2 shall be considered by the Board at its meeting on said date, to:

Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

Mailing by _____ will not be sufficient. The ballot must be physically received by the Clerk prior to the deadline in order to be counted.

COUNTY OF SAN BERNARDINO
COMMUNITY FACILITIES DISTRICT NO. 2002-2
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)

SPECIAL ELECTION BALLOT

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AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT.

BALLOT MEASURE

Shall the Board of Supervisors of the County of San Bernardino be authorized to order the annexation of the property shown on the map entitled "Annexation Map No. 1" to its existing Community Facilities District No. 2002-2 ("CFD No. 2002-2") and levy the special tax previously authorized for CFD No. 2002-2 on said property to finance fire protection services, all as specified in its resolutions pertaining thereto?

MARK "YES" OR "NO"
WITH AN "X":

YES

NO

Certification for Special Election Ballot

The undersigned is an authorized representative of the above-named landowner and is legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____, 2004.

CSVH CALABASH, LLC,
a Delaware limited liability company

By : California State Teachers' Retirement System,
a public entity, Managing Member

By: Principal Real Estate Investors, LLC,
a Delaware limited liability company,
its investment advisor

By _____
(Signature)

(Print Name and Title)

In the event this Special Election Ballot is executed in reliance upon an "Appointment of Representative to Execute Waiver and Consent and to Cast Ballot," a photocopy of the dated and signed appointment form must be attached hereto prior to submission of this Special Election Ballot and the related Waiver and Consent to the Clerk.